

Notice of Allowability

Application No.

10/720,617

Examiner

Patricia L. Hailey

Applicant(s)

LOWE ET AL.

Art Unit

1755

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicants' amendments and remarks filed on December 7, 2006.
2. ☒ The allowed claim(s) is/are 1-15, 19-21, 31 and 32.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 20070108-A.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

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Applicants' remarks and amendments, filed on December 7, 2006, have been carefully considered. No claims have been canceled or added; claims 1-15, 19-24, 31, and 32 remain pending in this application.

Election/Restrictions

1. Claims 22-24 and 26-30 remain withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected process for selectively removing alkynes or diolefins from a feedstock also containing olefins, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on October 14, 2004.

Claims 1-15, 19-24, 31, and 32 remain under consideration by the Examiner.

Claims 23, 24, and 26-30 are indicated as "previously presented". These claims should, like claim 22, be indicated as "withdrawn". This non-compliance is waived to advance prosecution.

Withdrawn Rejections

The 112(2) rejection of claims 1-10 stated in the previous Office Action has been withdrawn in view of Applicants' amendment to claim 1.

The following rejections of record have been withdrawn in view of Applicants' persuasive arguments:

(1) The 103(a) rejection of claims 1-10, 31, and 32 as being unpatentable over Moser et al. (USP 6,514,904),

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(2) The 103(a) rejection of claims 1-15, 19-21, 31, and 32 as being unpatentable over Robinson et al. (USP 4,522,935), and

(3) The 103(a) rejection of claims 11-15 and 19-21 as being unpatentable over Moser et al. (USP 6,514,904) in view of Robinson et al. (USP 4,522,935).

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Rick James on January 5, 2007.

The application has been amended as follows:

a. Please cancel non-elected claims 22-24 and 26-30.

Allowable Subject Matter

3. Claims 1-15, 19-24, 31, and 32 are allowed.

Reasons for Allowance

4. The following is an examiner's statement of reasons for allowance:

The prior art of record does not teach or suggest the claimed catalyst composition consisting of a rhodium component (deposited from an nitrate precursor

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and present in an amount less than 3.0% by weight of the total catalyst composition) and an indium component (deposited from a nitrate or formate precursor and present in an amount of at least 0.3% and less than 5.0% by weight of the total catalyst composition).

Applicants' claims are limited to the recited elements.

Both Moser et al. and Robinson et al. teach additional components that are excluded by Applicants' claims in their present form.

For these reasons, in addition to Applicants' arguments, Applicants' claims are allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

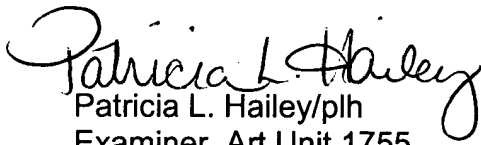
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia L. Hailey whose telephone number is (571) 272-1369. The examiner can normally be reached on Mondays-Fridays, from 7:00 a.m. to 3:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jerry Lorengo, can be reached on (571) 272-1233. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Patricia L. Hailey/plh
Examiner, Art Unit 1755
January 8, 2007


J. A. LORENGO
SUPERVISORY PATENT EXAMINER